

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

FEB 2 3 2018

REPLY TO THE ATTENTION OF

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Kim Myers, Environmental Manager Amsted Rail 3900 Bixby Road, Groveport, Ohio 43125

Re:

Notice and Finding of Violation

Amsted Rail Groveport, Ohio

Dear Mr. Myers:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV)/ Finding of Violation (FOV) to Amsted Rail (you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). Based on available information, we find that you are in violation of your federally enforceable permit-to-install and your Title V permit at your Groveport, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on our findings, any efforts you have taken to comply, and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is David Sutlin, Air Enforcement and Compliance Assurance Branch, whom you may contact at (312) 353-8990. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Edward Nam

Director

Air and Radiation Division

cc: Kelly Toth, APC Manager for Central District Office, OEPA

Robert Hodanbosi, APC Division Chief, Ohio EPA - DAPC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF:)
Amsted Rail) NOTICE AND
Groveport, Ohio) FINDING OF VIOLATION
Proceedings Pursuant to) EPA-5-18-OH-03
Section 113(a) of the)
Clean Air Act, 42 U.S.C.)
8 7413(a)) .

NOTICE AND FINDING OF VIOLATION

Amsted Rail owns and operates a steel foundry at 3900 Bixby Road, Groveport, Franklin County, Ohio (the Facility). Operations at the Facility include slag handling with storage piles.

The U.S. Environmental Protection Agency (EPA) is issuing this Notice and Finding of Violation (NOV/FOV) under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). Based on available information and as explained below, EPA finds that Amsted Rail is in violation of the Facility's permit-to-install and the Facility's Title V permit as follows:

Regulatory Authority

Ohio SIP

- 1. EPA approved the Ohio Administrative Code (OAC) Rule 3745-31-05 as part of the federally enforceable state implementation plan (SIP) for Ohio on February 20, 2013, with a federal effective date of March 22, 2013. 78 Fed. Reg. 11748.
- 2. OAC Rule 3745-31-05(A)(3) states that the director shall issue a permit-to-install or a permit-to-install and operate (PTIO) on the basis of the information appearing in the application, or information gathered by or furnished to the Ohio Environmental Protection Agency (Ohio EPA), or both, if the director determines that the installation, modification, or operation of the air contaminant source will employ best available technology (BAT).

2001 Permit to Install

- 3. Ohio EPA issued to the Facility a Permit to Install (No. PTI-01-08357) effective April 4, 2001 (2001 PTI) pursuant to Ohio's SIP-approved permit program, which established conditions for emission unit F006. F006 includes slag handling with storage piles.
- 4. Condition I.A.11. of the 2001 PTI states that "[a]s specified in in OAC Rule 3745-31-05, all new sources must employ [BAT]. Compliance with the terms and conditions of this permit will fulfill this requirement."

- 5. Part III Section A of the 2001 PTI describes permit terms and conditions that are both state and federally enforceable.
- 6. Condition III.A.I.1. of the 2001 PTI states that "[t]here shall be no visible particulate emissions (PE) from material storage piles except for a period of time not to exceed six minutes during any sixty-minute observation period"

The Facility's Title V Permit

- 7. On August 15, 1995, EPA approved the State of Ohio operating permit program pursuant to Section 502(d) of the Act, 42 U.S.C. § 7661a(d), with an effective date of October 1, 1995. 60 Fed. Reg. 42,045.
- 8. The Ohio Environmental Protection Agency (OEPA) issued a Part 70 Operating Permit (P0103976) to the Facility on January 19, 2011, which became effective on February 9, 2011 (Title V Permit).
- 9. Condition C.4.b)(1)a. of the Title V Permit incorporates the visible emission standard from the 2001 PTI and states that "[f]or the slag storage piles, there shall be no visible particulate emissions (PE) except for a period of time not to exceed 6 minutes during any 60-minute observation period."
- 10. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
- 11. 40 C.F.R. § 70.6(b)(1) provides that all terms and conditions in a Title V permit are enforceable by EPA.

Relevant Factual Background

- 12. Amsted Rail is the owner and operator of the Facility.
- 13. EPA inspectors conducted a partial inspection of the Facility on July 12, 2016.
- 14. On July 12, 2016, EPA inspectors conducted opacity observations of the slag storage piles. EPA observed visible emissions for a period of time exceeding 6 minutes in 60 minutes.

Alleged Violations

15. On July 12, 2016, Amsted Rail allowed visible emissions from the slag piles for a period of time exceeding 6 minutes in 60 minutes in violation of the 2001 PTI that Ohio EPA issued pursuant to a permit program approved in its SIP, and Condition C.4.b)(1)a. of the Title V Permit.

Environmental Impact of Violations

16. These violations have caused or can cause excess emissions of particulate matter (PM), which is a surrogate for metal HAPs. PM, especially fine particulate matter, contributes to respiratory problems and lung damage.

2/23/18 Date

Edward Nam

Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-18-OH-03, by Certified Mail, Return Receipt Requested, to:

Kim Myers, Environmental Manager Amsted Rail 3900 Bixby Road, Groveport, Ohio 43125

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Amy Kosbab, Environmental Engineer Amsted Rail

3900 Bixby Road Groveport, Ohio 43125

Kelly Toth, APC Manager Central District Office 50 West Town Street, Suite 700 Columbus, Ohio 43215 Jeryl L. Olson Seyfarth Shaw LLP

233 South Wacker Drive, Suite 8000

Chicago, IL 60606

Robert Hodanbosi, APC Division Chief

Ohio EPA - DAPC

50 West Town Street, Suite 700

Columbus, Ohio 43215

On the 26th day of February 2017

Kathy Jones

Program Technician AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7014 2870 0001 9578 9848